INFORMATIONAL LETTER

TO: Commissioners of Social Services

SUBJECT: Rights of Foster Parents

DATE: October 15, 1981

SUGGESTED DISTRIBUTION:

Commissioners
Directors of Social Services
All Child Welfare Staff
Social Services Attorneys
Authorized Agencies Operating Foster Care Homes

CONTACT PERSON:

Any questions concerning this release should be directed to Mr. H. A. Harkess, Office of Policy Planning, Division of Services, by calling toll free 1-800-342-3715, Extension 4-9574.

I. PURPOSE:

The purpose of this letter is to inform local districts of the Chapter 15, Laws of 1981 amendment to Social Services Laws 374.1 and 384.3 relating to the rights of foster parents.

II. BACKGROUND:

This amendment was enacted to conform the period of time during which a child must have been in care in order for a foster parent to have a preference in adoption (Section 374.1) or to intervene in custody proceedings (Section 384.3) with the preference and first consideration provision of Section 383.3 of the Social Services Law.

In Section 374.1-a, the period was "in excess of two years," in Section 383.3, "a period of eighteen months or more" and in Section 384.3, "more than twenty-four months."

This amendment establishes eighteen months as the determining period for all cases.

FILING REFERENCES

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III. IMPLICATIONS:

This amendment conforms references in law to foster parents' preference rights for adoption or to intervene on behalf of a child having been in the custody of such foster parent for a period in excess of eighteen months. Districts have previously been advised of the change to eighteen months in communications on the Child Welfare Reform Act. No new action is required.

IV. RECOMMENDATIONS:

Distribution of this letter or its contents should be made to Child Welfare staff and to authorized agencies operating foster family homes.

[Signature]

Norris P. Phillips
Deputy Commissioner
Division of Services